

REMARKS

This Amendment is submitted in response to the Office Action dated October 13, 2004, having a shortened statutory period set to expire January 13, 2005. In the present Amendment, Claims 1-14 are pending.

Claim rejection under 35 U.S.C. § 102

In the present Office Action, Claims 1-14 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Sidi et al.*, (U.S. Patent No. 6,282,562 B1 – hereinafter referred to as “*Sidi*”). After careful consideration of Examiner’s remarks, Application respectfully submits that Claims 1-14, as now amended, are not rendered unpatentable by *Sidi* and respectfully traverses Examiner’s rejection in view of the arguments submitted herein.

Sidi discloses a system and method of “changing the way humans interact with data communications technologies” through the introduction of “selective delay in response time which serves to pedagogically discourage human users of data communications systems from economically disadvantageous interactions” (Abstract). Specifically, *Sidi* discloses a method for altering the way humans interact on a network that includes the following steps: (1) examining communications on a network and assembling a “statistical profile” (col. 6 lines 25-26); (2) selecting a data communications traffic load threshold from the “statistical profile” according to an “economic consideration” (col. 6, lines 51-54); and (3) assigning a delay interval to each data communication that exceeds that threshold (col. 6, line 265-col. 7, line 2).

Regarding Claim 1, nothing in *Sidi* teaches or suggests:

a control unit including an input port coupled to said system interconnect, wherein said control unit receives a collection of data via said input port as a result of a tenure on said system interconnect, wherein said control unit filters said collection of data from said tenure to obtain specific data requested by a user and organizes said specific data as a summary, *wherein said control unit filters said collection of data without perturbing the operation of said data processing system.*

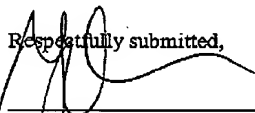
In fact, the third step of *Sidi* requires that a delay interval is assigned to each communication on the network depending on the characteristic of that communication, such as the time of day, day of the week, sender, categorization of the sender, etc. (col. 7, lines 21-45).

In addition, as indicated in the "description of the related art" in the pending Application, prior profiling methods involved the disadvantage the perturbing of the data processing system undergoing profiling. The present invention overcomes this problem by offering a system and method of profiling tenures on a system interconnect without perturbing the operation of the data processing system during the monitoring process, which results in hardware performance data that is more representative of the actual performance of the data processing system (Specification, page 10, lines 9-21). This advantage is not offered by *Sidi* because the data that has undergone "statistical profiling" (col. 6, line 25) is necessarily assigned various delays depending on the result of the statistical profile.

In light of the preceding arguments, Applicant believes that independent Claim 1, similar Claims 7, 10, 13, and all dependent claims are not anticipated by *Sidi*.

Applicants invite the Examiner to contact the undersigned attorney of record at (512) 343-6116 if such would further or expedite the prosecution of the present Application. No extension of time is believed to be required. However, in the event that an extension of time is required, please charge that extension fee and any other required fees to **IBM Corporation Deposit Account Number 09-0465**.

Respectfully submitted,



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